

**STANDING ORDER FOR
CONSUMER CREDIT CASE
TYPES**

The Second Judicial District desires to improve the process related to consumer credit contract cases and seeks to achieve settlement, dispositive motion, or trial within 180 days of filing, while limiting the number of court hearings to one disposition hearing, unless a case management conference is necessary.

Accordingly, it is HEREBY ORDERED that:

1. After a consumer credit contract case is filed, it shall be assigned to a special term calendar within 30 days. The special term calendar hearing shall be scheduled no earlier than 60 days and no later than 120 days from the date of filing.
2. Court Administration shall transmit this Standing Order to the parties together with the notice of hearing.
3. The court will establish a biweekly half-day consumer credit calendar for a special term date before a District Court Judge. The calendar will include all motion hearings as described below.
4. Court Administration shall confirm that the following case types are used for consumer credit contract cases: Consumer Credit Contract or Default Judgment.
 - a. When filing either of these case types, the filing party must comply with paragraph 5 of this Standing Order.

- b. If the filing party uses case type Default Judgment, Court Administration shall confirm that the filing party has complied with paragraph 7 of this Standing Order.
 - c. If the filing party uses case type Default Judgment for a matter seeking judgment renewal, Court Administration shall confirm that the filing party has complied with paragraph 10 of this Standing Order.
 - d. Cases with the case type Default Judgment or Default Judgment seeking judgment renewal shall be forwarded to a civil signing judge and not placed on the special term calendar.
- 5. A party filing a consumer credit contract case shall file a civil cover sheet. Any other party may file a supplemental civil cover sheet within ten days of service of the filing party's civil cover sheet. *See* Form CIV117 promulgated by the State Court Administrator. All civil cover sheets shall include:
 - a. In paragraph 1: a concise statement of the case including
 - i. Whether the case involves an assigned debt.
 - ii. Whether the anticipated motion practice is for default judgment, judgment on the pleadings, or summary judgment.
 - b. In paragraph 4: any need for abbreviated discovery.
 - c. In paragraph 6: if a trial is necessary, a proposed schedule for the filing of all trial documents, including witness and exhibit lists and a request for a trial date no later than 180 days from the date of filing.
 - d. In paragraph 13: the prospects for settlement via mediation, arbitration, court-conducted settlement conference, or other forms of alternative dispute resolution (ADR).
- 6. An assigned debt is defined as a debt transferred from an original creditor or obligee to a successor in interest only after default.
- 7. Where a party is seeking judgment by default against a consumer:
 - a. The filing party shall use the case type Default Judgment.
 - b. If the case involves an assigned debt, as defined above, the filing party shall possess and present to the court the documentation required under

Minn. Stat. § 548.101 along with affidavits of no answer and service, and any other admissible evidence that supports the entry of default judgment.

- c. If not an assigned debt, the filing party shall possess and present to the court affidavits of no answer and service, admissible evidence that defendant owes the debt, and any other admissible evidence supporting the entry of default judgment.
 - d. A motion for default judgment can be granted by a judge or court administrator without need for a hearing.
 - e. A case that is filed as an administrative default judgment, with the corresponding case type, and involves an assigned debt, must also meet the requirements of paragraph 7b of this Standing Order.
8. When a party seeks judgment on the pleadings against a consumer, that party shall possess and present to the court as an exhibit a copy of the defendant's answer, or correspondence that may be construed as an answer, admitting sufficient allegations pled in the complaint to find in the party's favor.
9. When a party seeks summary judgment against a consumer, that party shall possess and present to the court an affidavit from the plaintiff offering:
- a. A copy of the written contract between the debtor and original creditor or, if no written contract exists, other admissible evidence establishing the terms of the account relationship between the debtor and the original creditor;
 - b. Admissible evidence establishing that the defendant owes the debt;
 - c. Admissible evidence establishing that the amount claimed to be owed is accurate, including the balance owed at the time the debt was charged off; and
 - d. If the case involves an assigned debt, admissible evidence establishing a valid and complete chain of assignment of the debt from the original creditor to the party requesting judgment, including documentation or a bill of sale evidencing the assignment with evidence that the particular

debt at issue was included in the assignment referenced in the documentation or bill of sale.

10. When a filing party seeks to renew a judgment, and serves the judgment debtor(s) before expiration of the prior judgment, and the prior judgment was based on a consumer credit contract:
 - a. The filing party shall use the case type Default Judgment;
 - b. The filing party shall provide a civil cover sheet, stating in paragraph 1 a concise statement of the case including:
 - i. That the prior judgment involved a consumer credit contract;
 - ii. That the prior judgment was not paid.
11. If either plaintiff, defendant, or counsel for any party fails to appear at the special term calendar hearing, the District Court Judge may make such orders with regard to that failure to appear, including the entry of judgment against the non-appearing party, as a sanction under Minn. R. Civ. P. 16.06. An order entering judgment for failure to appear will be stayed for a period of 30 days. The party against whom judgment is entered may request reconsideration in a letter complying with Minn. R. Gen. Prac. 115.11, detailing the circumstances justifying reconsideration, which must be filed and served prior to the end of the stay.
12. In the event the matter proceeds to trial, the District Court Judge assigned to the special term calendar is assigned to the matter as the trial judge.
13. This Order supersedes all previous standing or administrative orders related to consumer credit cases.

Adopted: February 26, 2020

The Honorable John H. Guthmann
Chief Judge of the Second Judicial District